

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CORNELIUS TUCKER, JR.,)	
)	Civil Action No. 05 - 1313
Plaintiff,)	
)	Judge Terrence F. McVerry /
v.)	Magistrate Judge Lisa Pupo Lenihan
)	
MICHAEL MUNNS; GUARD WAGSTAFF;)	
ADDINGTON, Guard; FEDERAL RESERVE)	
BANK AND RETAIL SITE; FEDERAL FISCAL)	
UNKNOWN AGENT; COMMISSIONER;)	
SECRETARY; CEO; PRESIDENT DEPUTY)	
COMM MANAGER; ASST. TREASURER;)	
UNKNOWN NAMED POLK PRISON STATE)	
GUARDS; MS. BOYD; IRENE SMITH; LT.)	
BROWN; NURSE PETTIFORD; LT. D.)	
CANBUREN; NURSE WATSON; GUARD)	
HAWKINS; PHYSICIAN LIGHTSEY; NURSE)	
S. SNIDER; THEODORE BECK; GUARD)	
WHITE; JAMES P. IRWIN; LYNN ADCOCK;)	
POLK'S U.S. TRASURY AND BUREAU OF)	
PUBLIC DEBT; DARRELL HARPER, Federal)	
Fiscal Account Customer Mgr.;)	
PSYCHOLOGIST BOWMAN; POK GUARD)	
WHITE; JUDGE ROBERT HOBGOOD;)	
FINCH, GRANVILLE, CO.; each in their)	
individual and official capacities,)	
)	
Defendants.)	

ORDER

On September 6, 2005, this case was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation (Doc. No. 12) filed on September 13, 2006, recommended that the Complaint in this case be dismissed due to Plaintiff's failure to

prosecute this action. Service was made on the Plaintiff at 1300 Western Boulevard, Raleigh, NC 27606, which is the address of record on the docket. Plaintiff was advised he had (10) days from the date of service to file objections. No objections to the report and recommendation were filed. After de novo review of the pleadings and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 10th day of October, 2006;

IT IS HEREBY ORDERED that the Complaint in this case is **DISMISSED** for failure to prosecute this action.

The Report and Recommendation (Doc. No. 12) of Magistrate Judge Lenihan, dated September 13, 2006, is adopted as the opinion of the court.

BY THE COURT:

s/ Terrence F. McVerry
United States District Judge

cc: Honorable Lisa Pupo Lenihan
United States Magistrate Judge

Cornelius Tucker
0412703
1300 Western Boulevard
Raleigh, NC 27606